

82. (Amended) The saw of claim 15, wherein said adjustment mechanism [is adapted to] selectively adjusts an elevation of said infeed extension relative to the work surface.

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83. (Amended) The saw of claim 15, wherein said adjustment mechanism [is adapted to] selectively adjusts an angle of said infeed extension relative to said [work surface] infeed edge.

84. (Amended) The saw of claim 15, wherein said adjustment mechanism [is adapted to] selectively adjusts an angle of said side walls relative to said work surface.

REMARKS

Claims 1-8, 13-23, 40, 47-55, 61 and 65-84 are pending in the Subject Application, of these claims 74-78 are presently withdrawn from consideration. In the Office Action, the Examiner has rejected each of claims 1-8, 13-23, 40, 47-55, 61, 65-73 and 79-84 under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). The objections and rejections of the Office Action are fully addressed below.

A. Drawings

In paragraph 2 of the Office Action, the Examiner has indicated that the proposed substitute sheets of drawings, filed on May 25, 2000 were approved.

B. Specification

In paragraphs 3 and 4, the Examiner objected to the disclosure indicating that the second paragraph of page 17 is confusing as to what constitutes the slide rail 80 and what constitutes the bracket member. Applicant have herein amended the specification to clearly indicating the relationship of the support elements renaming the "slide rail 80" to --elongated bracket member 80--. Applicants have also herein amended the specification to clearly indicate the location of the adjustment mechanism.



Claims Rejections - 35 U.S.C. § 112, second paragraph

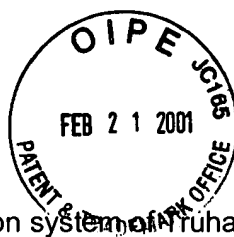
The Examiner states that in his opinion the claims 1-8, 13-23, 47-55 and 65-73 are indefinite for failing to particularly point out and distinctly claim subject matter which the applicant regards as the invention. Applicants have herein amended the claims to more clearly define the invention and resolve the alleged indefiniteness indicated by the Examiner from the claims. Applicants have also carefully review all pending claims in the subject application to ensure they all particularly point out and distinctly claim the invention.

D. Claims Rejections - 35 U.S.C. § 102

In paragraphs 5-6 of the Office Action, the Examiner has rejected each of claims 1-5, 13, 14 and 79-81 of the Subject Application under 35 U.S.C. § 102(b) as being clearly anticipated by Delta Model Number 36-906 ("Delta '906"). Applicants herein amend claim 1 to clearly distinguish the claimed invention from Delta '906 by incorporating additional limitations concerning the orientation of the work support surface on the infeed extension and the adjustment mechanism. Delta '906 discloses a workpiece guide, however, the Delta '906 work piece guide does not include a "work support surface, wherein said work support surface is substantially perpendicular to said guide surface". Nor does Delta '906 include an "adjustment mechanism comprising a threaded bore in said work support surface and a threaded member disposed therein." These additional limitations are fully supported by the specification as filed.

Thus, the workpiece guide as now recited in independent claim 1, and as claimed in dependent claims 2-5, 13, 14 and 79-81 of the Subject Application, is not anticipated by Delta '906, and the rejection should be withdrawn.

In paragraph 7 of the Office Action, The Examiner also rejects claim 40 under 35 U.S.C. §102 based on U.S. Patent No. 4,201,256 issued to Truhan ("Truhan"). Truhan discloses "a suction device for removing particles from the cutting area of a cutting tool via a duct arrangement including a large particle separator". Applicants strongly traverse the rejection on



two grounds. First, the debris collection system of Truhan is not attached to the support structure as is the debris collection system in claim 40 of the subject application. Secondly, Applicants must assume that the Examiner is of the opinion that the large particle filter of Truhan corresponds to the inclined surface of claim 40 of the subject application. This large particle filter is a coarse filter, shown as 64 in figure 3, that separates the wood chips and slivers from the dust created by a sawing operation. The inclined surface of claim 40 of the subject application is a nonporous inclined surface designed to direct the saw dust, wood chips and slivers created from the sawing operations to lower edge of the inclined surface. The particle filter disclosed in Truhan could not perform this function, particles would fall through the filter and others would get lodged in the coarse filter. For clarity, Applicants have amended claim 40 to include the limitation that the inclined surface is nonporous. This amendment does not narrow the original claim, but, simply more clearly defines the invention.

Thus, the saw as recited in independent claim 40, and as claimed in dependent claims 47-55 of the Subject Application, is not anticipated by Delta '906 nor obvious based on Delta '906 in view of U.S. Patent No. 4,964,450 issued to Hughes ("Hughes") and Truhan, and the rejection should be withdrawn.

E. Claim Rejections - 35 U.S.C. § 102/103

In paragraph 8 and 9 of the Office Action, the Examiner rejects claims 6-8 based on Delta '906. These claims are dependent from claim 1 of the subject application. The amendments to claim 1 made herein and discussed above clearly distinguish these claims from Delta '906.

F. Claim Rejections - 35 U.S.C. § 103

In paragraph 10 of the Office Action, the Examiner has rejected claims 15-23, 61, 65-73 and 82-84 as being unpatentable over Delta '906 in view of Hughes. Hughes discloses a table saw with two guide rails. Applicants herein amend claim 15 to incorporate certain

additional limitations. Specifically, amended claim 15 now recites a workpiece guide comprising an infeed extension including at least one infeed work support surface, wherein the infeed work support surface is substantially coplanar with the work surface of the saw. Neither Delta '906 nor Hughes disclose or suggest providing an work support surface as claimed. Since the base claim, claim 15, no longer would have been obvious over Delta '906 in view of Hughes, claims 16-23 and 82-84, which ultimately depend from claim 15, also are novel and non-obvious relative to the Examiner's combination of Delta '906 and Hughes and any other reference of record. Thus, claims 15-23 and 82-84, as herein amended, are in condition for allowance.

The Examiner also regards claim 61 as unpatentable over Delta '906 in view of U.S. Patent No. 4,964,450 issued to Hughes et al. ("Hughes"). To establish this rejection, the Examiner had to take Official Notice that it is old and well known to provide guide rails in many shapes or cross-sections for various well known benefits including ease of manufacture or to gain performance benefits such as added stability. However, the Examiner provides references that disclose saws including two guide rails of only tubular shape.

The Manual of Patent Examining Procedure ("MPEP") sets out three requirements that an Examiner must meet to establish a *prima facie* case of obviousness. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest *all the claim limitations*." MPEP § 2143 (emphasis added). In this case, neither the prior art references nor the knowledge generally available to one of ordinary skill in the art provides a suggestion nor motivation to provide the rails as claimed in the subject application. Additionally, even assuming that the "facts" of which the Examiner takes Official Notice are true, the references

and teachings relied upon by the Examiner must teach or suggest all of the claim limitations, which has not been satisfied here.

The Examiner takes Official Notice that it is old and well known in the art to provide guide rails in many shapes or cross-sections. Claim 61 does not recite merely a guide rail system. Instead, claim 61 recites a guide rail system comprising an infeed rail having a U-shaped cross-section and that is disposed adjacent to an infeed edge of the work surface. Claim 61 also recites an outfeed rail having an L-shaped cross-section and that is disposed adjacent to an outfeed edge of the work surface. Advantages of such a system may be understood from the description of the invention in the Subject Application and including that such an arrangement provides an improved selection of surfaces for clamping accessory devices such as, but not limited to, a workpiece guide. Clamping accessories to a saw is the most important, in not the only, purpose of a guide rails on a saw. The particular arrangement of claim 61 also allows the infeed rail to be disposed so as to directly abut the infeed edge of the work surface, thus eliminating any gaps in between the infeed edge and the rail which cause debris to become lodged and obstruct the operator from performing a precise cutting operation. In support of the above argument, §2144.04 of the MPEP provides that changes in shape may be patentable if the particular configuration is significant. The design of the guide rails as claimed, for the reasons stated above, are significant.

Accordingly, Applicants hereby traverse the Examiner's assertion of Official Notice with respect to claim 61 and respectfully submit that the Examiner has not presented evidence to establish the existence of prior art references or teachings that disclose or suggest all of the limitations of claim 61. An examiner may take official notice of facts outside the record that are capable of instant and unquestionable demonstration as being well-known in the art. MPEP § 2144.03. However, "[t]he facts so noticed serve to 'fill the gaps' which might exist in the evidentiary showing and should not comprise the principle evidence upon which a rejection is

based." *Id.* (quoting *In re Ahlert*, 424 F.2d 1088, 165 U.S.P.Q. 418, 420-421 (CCPA 1970)). In the Subject Application, the Examiner attempts to take Official notice of 'principle evidence' upon which the rejection is based. Additionally, in the Office Action the Examiner is improperly rejecting claim 61 on the sole basis that certain prior art patents can be modified. This is not a proper basis for establishing an obviousness rejection. Instead, because the prior art of record does not teach or suggest the invention as claimed in the Subject Application, Applicants respectfully request that the Examiner allow claim 61 and the claims dependent therefrom, specifically, claims 65-69.

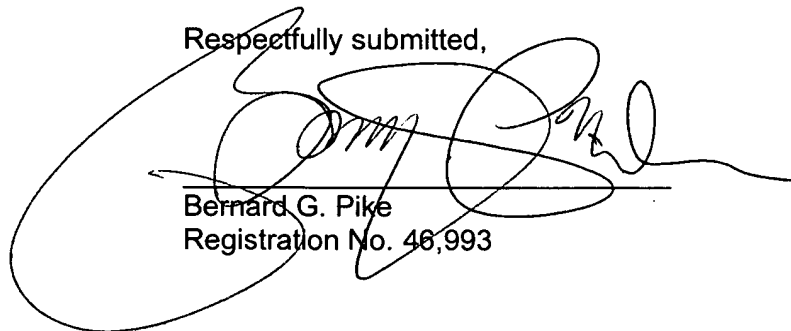




E. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the each of the pending claims of the Subject Application, as amended herein, is in condition for allowance, and such action is respectfully requested. Accordingly, reconsideration of the objections and rejections and passage of each of the rejected claims of the Subject Application are earnestly solicited. Should any point remain at issue which the Examiner feels could best be resolved by either a personal or a telephone interview, the Examiner is urged to contact the undersigned at the number listed below. In addition, should the Examiner deem that there remain grounds outstanding for objecting to the Subject Application, Applicants respectfully request that any subsequent action not be made final.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Bernard G. Pike". The signature is written over a horizontal line.

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